

ORDINANCE NO. 642

AN ORDINANCE RELATING TO CIVIL DEFENSE
AND DISASTER AND REPEALING ORDINANCES
NO. 427 AND 432 OF THE CITY OF LODI

The City Council of the City of Lodi does ordain as follows:
SECTION 1. Ordinances No. 427 and 432 of the City of Lodi

are hereby repealed.

SECTION 2. Definitions. For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Civil Defense. The words "civil defense" shall mean the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, to prevent, minimize and repair injury and damage resulting from disasters. It shall not include, nor does any provision of this ordinance apply to, any condition relating to a labor controversy.

Disaster. The word "disaster" shall mean any actual or threatened enemy attack, sabotage, extraordinary fire, flood, storm, epidemic, riot, earthquake or other similar public calamity.

SECTION 3. Purposes of Ordinance. The declared purposes of this ordinance are to provide for the preparation and carrying out of plans for the civil defense of persons and property within the city in the event of a disaster, and to provide for the coordination of the civil defense and disaster functions of the City with all other public agencies and affected private persons, corporations and organizations.

SECTION 4. Expenditures Deemed for Protection of Inhabitants and Property. Any expenditures made in connection with civil defense and disaster activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City.

SECTION 5. Civil Defense and Disaster Council - Created.
The City Civil Defense and Disaster Council is hereby created.

SECTION 6. Civil Defense and Disaster Council - Composition; Officers; Appointment of Members. The Civil Defense and Disaster Council created under the provisions of the preceding section shall consist of the following:

- (a) The Mayor, who shall be the chairman.
- (b) The Director of Civil Defense and Disaster, who shall be the vice-chairman.
- (c) The Assistant Director, appointed by the Mayor, with the advice and consent of the City Council.
- (a) Such deputy directors and chiefs of operating civil defense and disaster departments, services or divisions as are provided for by resolution pursuant to this ordinance.
- (c) Such representatives of civic, business, labor, veterans', professional or other organizations, having an official group or organization for civil defense and disaster responsibility, as may be appointed by the Mayor with the advice and consent of the City Council.

SECTION 7. Civil Defense and Disaster Council - Powers and Duties. It shall be the duty of the City Civil Defense and Disaster Council, and it is hereby empowered, to review and recommend for adoption by the City Council, civil defense and disaster and mutual-aid plans and agreements and other ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.

SECTION 8. Civil Defense and Disaster Council - Meetings. The Civil Defense and Disaster Council shall meet upon call of the chairman, or, in his absence from the City or inability to call such meeting, upon the call of the vice-chairman.

SECTION 9. Director of Civil Defense and Disaster - Office Created; City Manager to be Director. There is hereby created the office of Director of Civil Defense and Disaster. The City Manager shall be the Director of Civil Defense and Disaster.

SECTION 10. Director of Civil Defense and Disaster - Powers and Duties Generally. The Director of Civil Defense and Disaster is hereby empowered:

(a) To request the City Council to proclaim the existence or threatened existence of a disaster and the termination thereof, if the City Council is in session, or to issue such proclamation, if the City Council is not in session, subject to confirmation by the City Council at the earliest practicable time.

(b) When in his opinion the resources of the area or region are inadequate to cope with the disaster, he shall through the Mayor request the Governor to proclaim a state of extreme emergency.

(c) To control and direct the efforts of the civil defense and disaster organization of the City for the accomplishment of the purposes of this ordinance.

(d) To direct co-ordination and co-operation between divisions, services and the staff of the civil defense and disaster organization of the City, and to resolve questions of authority and responsibility that may arise between them.

(e) To represent the civil defense and disaster organization of the City in all dealings with public or private agencies pertaining to civil defense and disaster.

SECTION 11. Director of Civil Defense and Disaster - Powers in Event of Proclamation of Disaster. In the event of the proclamation of a disaster as provided in the preceding section, or the proclamation of a state of extreme emergency by the Governor or the California Disaster Office, the Director is hereby empowered:

(a) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such disaster; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the City Council.

(b) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of the life and property of the people, and bind the City for the fair value thereof, and if required immediately, to commandeer the same for public use.

(c) To require emergency services of any City officer or employee and, in the event of the proclamation of a state of extreme emergency by the Governor in the region in which the City is located, to command the aid of as many citizens of this community as he thinks necessary in the execution of his duties. Such persons shall be entitled to all privileges, benefits and immunities as are provided by State law for registered civil defense and disaster worker volunteers.

(d) To requisition necessary personnel or material of any City department or agency.

(e) To execute all of his ordinary powers as City Manager, all of the special powers conferred upon him by this ordinance or by resolution adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the City Council or by any other lawful authority, and in conformity with section 38791 of the Government Code, to exercise complete authority over the City and to exercise all police power vested in the City by the Constitution and general laws.

SECTION 12. Duties of Assistant Director. The Assistant Director of the Civil Defense and Disaster Council shall, under the supervision of the Director of Civil Defense and Disaster, develop civil defense and disaster plans and organize the civil defense and disaster program of the City, and shall have such other duties as may be assigned by the Director.

SECTION 13. Civil Defense and Disaster Organization - Composition. All officers and employees of the City, together with those volunteer forces enrolled to aid them during a disaster, and all groups, organizations and persons who may by agreement or operations of laws, including persons commandeered under the provisions of Section 11 of this ordinance, be charged with duties incident to the protection of life and property in the City during such disaster, shall constitute the civil defense and disaster organization of the City.

SECTION 14. Civil Defense and Disaster Organization - Resolution Establishing Organization, Prescribing Duties, etc. The functions and duties of the City civil defense and disaster organization shall be distributed among such divisions, services and special staff as the City Council shall prescribe by resolution.

Pursuant to this section, Resolution No. 2196 of the City of Lodi has been adopted and said resolution may hereafter be amended by resolution of the City Council.

SECTION 15. Unlawful Acts. It shall be a misdemeanor, for any person during a disaster:

(a) Wilfully to obstruct, hinder or delay any member of the civil defense and disaster organization in the enforcement of any lawful rule or regulation issued pursuant to this ordinance, or in the performance of any duty imposed upon him by virtue of this ordinance.

(b) To do any act forbidden by any lawful rules or regulations issued pursuant to this chapter, if such act is of such a nature as to give, or be likely to give assistance to the enemy, or to imperil the lives or property of the inhabitants of the City, or to prevent, hinder or delay the defense or protection thereof.

(c) To wear, carry or display, without authority, any means of identification specified by the civil defense and disaster agency of the State.

Section 16. Effective Date. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days from and after its passage,

Approved this 6th day of May, 1959.

FRED M. BROWN, Mayor

Attest:

BEATRICE GARIBALDI, City Clerk

I, BEATRICE GARIBALDI, City Clerk of the City of Lodi and ex officio Clerk of the City Council of said City, do hereby certify that Ordinance No. 642 was introduced at a regular meeting of said Council held April 15, 1959 and was thereafter passed, adopted and ordered to print at a regular meeting of the City Council held May 6, 1959, by the following vote:

AYES: Councilmen - Culbertson, Katzakian, Mitchell, Robinson, and Brown

NOES: Councilmen - None

ABSENT: Councilmen - None

I further certify that Ordinance No. 642 was approved and signed by the Mayor on the date of its passage and that the same has been published pursuant to law.

BEATRICE GARIBALDI, City Clerk